

Exhibit A



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March 2, 2020

VIA EMAIL

Tom H. Luetkemeyer
(tluetkemeyer@hinshawlaw.com)
Leigh Christina Bonsall
(lbonsall@hinshawlaw.com)
Hinshaw & Culbertson LLP
151 N. Franklin Street #2500
Chicago, IL 60606

Lyle K. Henretty
(Lyle.Henretty@cookcountyil.gov)
Cook County State's Attorney's Office
50 W Washington St, Ste 2760
Chicago, IL 60602

**Re: *Simpson et al. v. Cook County Sheriff's Office et al.*, No. 1:18-cv-00553 (N.D. Ill.)
Monae et al. v. Cook County Sheriff's Office et al., No. 1:18-cv-00424 (N.D. Ill.)**

Dear Counsel,

I write to identify Plaintiffs' proposed ESI custodians and search terms, for email and non-email ESI, and to request a conference regarding electronic discovery.

Set forth below are Plaintiffs' proposed custodians and search terms. Plaintiffs request that the search terms be run on custodian emails and other ESI (whether the files are stored locally or on a server). The proposed search terms use standard terms and connectors. We assume, but do not know, that Defendants' search tools can run customary terms-and-connector searches. If not, we will work with you to revise the search terms to reflect Defendants' tools.

As far as emails, searches should be run on the entire custodian mailbox (e.g. .pst files for Microsoft email), including sent, received and any subfolders or archived files that exist within the email account. Each search must include attachments of all file sizes and formats, including .pdfs without optical character recognition (OCR) and Excel files over 4 MB. This means that Microsoft 365 tools cannot be used to conduct the searches. Without more information about Defendants' email systems, we do not know whether or not this will present a problem in this case, as it has with other governmental defendants. If it does, we will work with you to identify a



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cost-effective solution. However, as stated, all searches must run the terms and connectors on attachments, including non-OCR'd .pdfs.

For non-email ESI, we request information about Defendants' servers (e.g. Sharepoint) and the search tools that will be used to search for relevant non-email ESI prior to an ESI conference so we can have a productive discussion.

Production Format:

We will be using a standard, commercial e-discovery platform (either Everlaw or Nextpoint) to ingest, review, and store ESI. To be compatible with our platform, we request production of ESI as Bates-stamped images with associated metadata fields and searchable text files. These image files should be provided as TIFF/JPG (b&W/color) with the associated image load file (commonly OPT, LFP, or DII). An additional data load file containing all coding, metadata, and Bates numbers should also be included. These files are typically DAT, CSV, or TXT.

Requested Hash Tags:

- Custodian
- All Custodians
- To
- From
- CC
- BCC
- Subject
- Date Created
- Date Sent
- Date Received
- Date Last Mod
- File Extension
- Filename
- File Text
- Extracted Text
- Text path

If any of the above parameters are incompatible with Defendants' ESI or e-discovery platforms, we will work with you to identify a mutually agreeable and useable production format.

Plaintiffs' proposed parameters, subject to adjustment after identification of mailbox sizes, file formats, and search tools, are divided into Search Set 1, for the Merit Board, and Search Set 2, for the Sheriff's Office, and are set forth below. We will work with the Defendants to reach a



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mutually agreed upon set of search terms and to refine the terms, as needed, as part of an iterative search process yielding a reasonable number of relevant results.



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Search Set 1 (For Defendant Cook County Sheriff's Merit Board)

Time Period: January 1, 2013 to the Present

Custodians:

- Rosemarie Nolan
- John Koch
- James P. Nally
- Byron Brazier
- John Dalicandro
- Kim R. Widup
- Vince T. Winter
- Jennifer Brae
- Gray Mateo-Harris
- Patrick Brady
- Juan Baltierres
- Brian Riordan
- John Rosales

Search Terms:

- score /3 (test OR exam! OR cut)
- written /2 test
- "physical abilities"
- physical /3 test
- "physical fitness"
- psychological
- "psych! exam"
- cut! /2 off
- job /4 (analysis OR study)
- validity
- validat!
- business /3 necessity
- criteria /3 selection
- selection /3 proc!
- applica! /2 proc!
- knowledge /3 skills
- knowledge /3 abilities
- KSA
- "African-American"
- "African American"
- black
- minorit!
- race
- "adverse impact"
- "disparate impact"
- discrim!
- EEOC
- "four-fifths"
- "four fifths"
- 4/5
- 80%
- "80 percent"
- "eighty percent"
- 75%
- "75 percent"
- seventy /2 five /2 percent
- 70%
- "70 percent"
- seventy /2 percent
- alternative! /5 proce!
- IOS
- Industrial /s organizational /s solution!
- (IO OR I/O) /s solution!
- Tawney
- disqualif!
- disposition



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Search Set 2 (For Defendant Cook County Sheriff's Office)

Time Period: January 1, 2013 to the Present

Custodians:

- Matthew Burke
- Robert Egan
- Nancy Borque
- Finola Keegan
- Richard Diver
- Fendley Douge
- Shelitha Beachem
- Sharon Little
- Karyn Williams
- Tammy Leal
- Thomas Flemming
- James Roache
- Tracy Thompson
- Bradley Curry
- Jennifer Black.
- Nedra Wilson
- Teneshia Thomas
- Ngozi Okorafor

Search Terms:

- disqualif! /3 (factor OR criteria)
- file /3 review
- discrim!
- EEOC
- "Jonathan Harris"
- "Maurice Richardson"
- "Frederick Merkersen"
- gang /3 (member! OR data! OR status)
- CLEAR [note: in ALL CAPS]
- felon!
- "screener spreadsheet"
- screener /10 candidate
- poly! w/4 question!
- poly! w/4 scor!
- poly! w/4 procedure!
- poly! /4 transcript
- psych! /3 (test OR exam!)
- disposition
- job /4 analysis
- validity
- validat!
- business /3 necessity
- criteria /3 selection
- selection /3 proc!
- applica! /2 proc!
- knowledge /3 skills
- knowledge /3 abilities
- KSA
- alternative! /5 proce!
- IOS
- Industrial /s organizational /s solutions
- IO /s solution!
- (IO OR I/O) /s solution!
- Tawney
- "approved interview questions"
- panel /8 question!
- "African-American"
- "African American"
- black
- minorit!
- race
- "adverse impact"
- "disparate impact"
- "four-fifths"



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- “four fifths”
- 4/5
- 80%
- “80 percent”
- “eighty percent”
- (change! OR new) /3 (process OR procedure!)

Please let me know your availability to discuss the above proposal at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chirag Badlani', with a long horizontal flourish extending to the right.

Chirag G. Badlani

Cc: All Counsel of Record

Exhibit B

From: Bonsall, Leigh C.
To: "Marni Willenson"; Chirag Badlani; "MIA BUNTIC (States Attorney)"; Luetkemeyer, Tom H.; LYLE HENRETTY (States Attorney)
Subject: RE: Simpson-search terms
Date: Friday, October 9, 2020 10:35:19 AM

Marni and Chirag,

After reviewing the search term reports and some of the results, the below is what I propose. The proposed edits are in bold. Let me know what you think.

For "black"-remove all emails to/from Jennifer Black or Kendra Black (for all custodians except Jennifer Black)

For Jennifer Black: Omit the term black or do **black w/5 hire OR hiring AND applicant! OR candidate!**

Remove "IOS"-it is pulling the sig line "Get outlook for IOS"

Clear **w/5 hire OR hiring AND result! OR background OR check**

Race **w/5 hire OR hiring AND candidate! OR applicant!**

Felon **/5 hire OR hiring AND candidate! OR applicant!**

Discrim **/5 hire OR hiring AND candidate! OR applicant!**

Disposition **/5 candidate OR applicant OR hire OR hiring OR Taleo**

(Change* OR new) w/3 procedure **AND hire OR hiring**

(Change* OR new) w/3 process **AND hire OR hiring**

Alternative* w/5 proce* **AND hire OR hiring**

Applica* w/2 proc* **AND hire OR hiring**

Validat* **w/5 hire OR hiring OR test**

Validity **w/5 hire OR hiring OR test**

Selection w/3 proc* **AND hire OR hiring**

Leigh C. Bonsall
Hinshaw & Culbertson LLP
151 North Franklin Street, Suite 2500, Chicago, IL 60606

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LBonsall@hinshawlaw.com | hinshawlaw.com



From: Bonsall, Leigh C.

Sent: Thursday, October 08, 2020 12:41 PM

To: 'Marni Willenson' <marni@willensonlaw.com>; Chirag Badlani <cbadlani@HSPLEGAL.COM>; 'MIA BUNTIC (States Attorney)' <Mia.Buntic@cookcountyil.gov>; Luetkemeyer, Tom H. <tluetkemeyer@hinshawlaw.com>; LYLE HENRETTY (States Attorney) <LYLE.HENRETTY@cookcountyil.gov>

Subject: Simpson-search terms

Hi Marni and Chirag,

Our IT has been working with Relativity on the questions we had about the searches. Here is what we have found out.

1. We are not able to remove "Black" from the to/from/cc fields or to exclude "Black" when it is capitalized and follows another capitalized word. We will need to come up with another way to limit this term. I am going through the hits and will propose a way to narrow the search by using connectors tomorrow or by excluding phrases as you suggested.
2. When the term "CLEAR" is run, Relativity does not recognize it as all caps. We will need to come up with another way to limit to this term. I am also looking at the hits for "CLEAR" and will make a proposal using connectors tomorrow.

Thanks,

Leigh

Leigh C. Bonsall
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Exhibit C

From: [Chirag Badlani](#)
To: ["Bonsall, Leigh C."; "MIA BUNTIC \(States Attorney\)"; Luetkemeyer, Tom H.; LYLE HENRETTY \(States Attorney\)](#)
Cc: [Joshua Karsh](#); [Michael Lieder](#); ["Marni Willenson"](#)
Subject: Simpson: ESI Response and Outstanding Items
Date: Thursday, October 15, 2020 4:58:16 PM
Attachments: [Plaintiffs' Response to CCSO ESI revisions \(01083844x9D9DD\).XLSX](#)

Leigh and Mia:

1. Attached in Excel is Plaintiffs' response to the CCSO's proposal, using hit results on the CCSO custodians. We have added a column G with our position or proposed refinement. There are some terms for which we require additional information (and an update hit count) before agreeing to any refinement. For the others, please let us know if we are in agreement.
2. Do Defendants have any further proposed refinements for the MB custodians? We have not received any proposal from the Merit Board, including on the term disqualif*.
3. There are several outstanding issues from my emails of 10/6 to both Defendants, which require an immediate response:
 - a. **Deposition dates for Mr. Douge and Mr. Hemphill (CCSO): Please provide dates during the week of 10/19 and confirm that Mr. Douge's ESI will be produced by then regardless of any agreement on the search terms.** In other words, Defendants must produce Mr. Douge's ESI on the existing terms immediately and dates for the depositions to be completed by 10/23.
 - b. Can you confirm that the Defendants have "globally" de-duplicated documents. In other words, in addition to de-duplicating within the CCSO and MB hits, have documents been de-duplicated between the two Defendants' search results?
 - c. Regarding Merit Board Non-Email ESI:
 - i. Have the document files from Ms. Nolan and Mr. Koch been transferred to Relativity? When can Plaintiffs expect the search report?
 - ii. Has the Merit Board determined whether the administrative assistants (Eileen Gallagher and Mary Anne Nash Sebby) whose ESI returned numerous hits have non-email responsive ESI or shared files that should be transferred for searches?
 - d. Defendants' Responses to Plaintiffs' Third Set of RFPs: Both Defendants indicated they would respond to the issues raised in my letter of 9/29. Please let us know when we can expect a response.
 - e. CCSO's response to Plaintiffs' Fourth Set of RFPs: Please let us know when the CCSO intends to respond.

Thanks,
Chirag

From: Bonsall, Leigh C. <LBonsall@hinshawlaw.com>
Sent: Friday, October 9, 2020 10:35 AM
To: 'Marni Willenson' <marni@willensonlaw.com>; Chirag Badlani <cbadlani@HSPLEGAL.COM>; 'MIA BUNTIC (States Attorney)' <Mia.Buntic@cookcountyil.gov>; Luetkemeyer, Tom H. <tluetkemeyer@hinshawlaw.com>; LYLE HENRETTY (States Attorney) <LYLE.HENRETTY@cookcountyil.gov>
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Leigh C. Bonsall

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'MIA BUNTIC (States Attorney)' <Mia.Buntic@cookcountyil.gov>; Luetkemeyer, Tom H.
<tluetkemeyer@hinshawlaw.com>; LYLE HENRETTY (States Attorney)
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Leigh

Leigh C. Bonsall

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Documents in searchable set	Total documents with hits	Total documents with hits, including Family	Total documents without hits
1,373,946	248,064	407,785	966,161

Terms Summary

Term	Documents with hits	Documents with hits, including Family	Unique hits
##80\u0025	3,807	41,290	2,019
(change* OR new) w/3 procedure*	5,458	58,381	2,047
(change* OR new) w/3 process	8,858	63,601	4,401
"80 percent"	406	5,156	94
"adverse impact"	227	2,069	27
"African American"	2,960	32,955	0
"African-American"	2,960	32,955	0
"approved interview questions"	169	546	0
"disparate impact"	120	271	1
"eighty percent"	24	59	2
"four fifths"	5	10	0
"four-fifths"	5	10	0
"Frederick Merckerson"	27	42	11
"Jonathan Harris"	61	103	40
"Maurice Richardson"	150	284	73
"screener spreadsheet"	26	83	1
4/5	775	7,119	302
Alison w/2 Fischer	0	0	0
Alison w/2 Fisher	40	63	1
Allison w/2 Fischer	0	0	0
Allison w/2 Fisher	0	0	0
alternative* w/5 proce*	1,260	19,655	240
applica* w/2 proc*	13,915	79,956	6,105
black	103,697	219,844	78,651
business w/3 necessity	191	465	9
B-W w/4 differenc*	2	4	0
CLEAR	33,994	122,504	18,187
criteria w/3 selection	883	8,281	289
Data w/3 rac*	195	4,421	67
discrim*	29,549	92,103	7,124
disposition	12,265	68,206	4,761
disqualif* w/3 (factor OR criteria)	330	907	87

Plaintiffs' Proposed Initial Refinement

AND hire OR hiring OR select*

AND hire OR hiring OR select*

Plaintiffs' position is that there is no need to refine this - number is low

CCSO must first evaluate what is overinclusive in this set. Depending on the scope of documents, Plaintiffs would propose the following, an agreement to which is dependent on a subsequent hit report:

OR select*

Plaintiffs agree that for all custodians other than Jennifer Black: NOT("Jennifer Black"); NOT("Kendra Black").

In the account of custodian Jennifer Black: black w/10 (hir~ OR appli* OR officer OR candidate OR reject* OR race) AND NOT("black ink" OR "blue ink" OR "print in black")

w/5(hir~ OR data* OR credit OR gang OR background OR check OR result!)

AND (hir~ OR candidate OR appli* OR officer OR rac* OR reject~ OR lawsuit OR complain* OR charge)

w/5 (hir~ OR candidate OR appli* OR officer OR Taleo OR felony OR polygraph OR "file review" OR gang OR deceit! OR fraud!)

Dual w/2 Hurdle	2	4	0
EEOC	4,557	39,067	1,432
felon*	20,399	93,875	7,502
file w/3 review	4,474	23,753	3,264
gang w/3 data*	403	5,929	65
gang w/3 member*	5,070	28,633	1,288
gang w/3 status	142	3,652	4
Hiring w/2 needs	419	7,399	204
Industrial w/2 organizational w/2 solution*	27	67	24
IO w/2 solution*	432	838	170
IOS	10,308	32,533	7,650
Job w/2 related	9,805	61,750	2,460
job w/4 analysis	1,451	15,452	462
knowledge w/3 abilities	16,801	52,789	79
knowledge w/3 skills	24,548	99,670	2,676
KSA	31	1,158	9
minorit*	2,553	39,711	874
panel w/8 question*	1,655	5,868	722
poly* w/4 procedure*	74	3,158	17
poly* w/4 question*	708	5,899	221
poly* w/4 scor*	358	1,343	20
poly* w/4 transcript	1	2	0
psych* w/3 (test OR exam*)	1,143	13,212	288
race	21,105	78,584	4,110
Recruit* w/2 correction*	4,466	14,129	541
Recruit* w/2 officer*	4,943	20,784	860
screener w/10 candidate	26	84	0
selection w/3 proc*	11,108	53,937	2,840
Single w/2 Hurdle	0	0	0
Tawney	83	95	22
validat*	10,993	70,639	4,802
validity	14,251	58,977	7,343

AND (hir~ OR candidate OR appl* OR officer OR procedure OR process OR polygraph OR discrim* OR disposition OR reject~ OR family OR brother OR father OR friend OR son OR uncle OR relative OR cousin OR disqual! OR known)

NOT("get outlook for IOS")

AND (officer OR applicant OR candidate)

AND (hir~ OR officer OR candidate OR appli* OR process OR procedure OR select* OR reject* OR discrimin* OR disposition OR felon* OR polygraph OR "file review")

AND (hir~ OR officer OR applicant OR candidate)

CCSO must first evaluate what is overinclusive in this set. Depending on the scope of documents, Plaintiffs would propose the following, an agreement to which is dependent on a subsequent hit report:

AND (test* OR procedure OR process OR select* OR lawsuit OR complain* OR charge OR stud* OR report* OR analy*) - but first evaluate what these are

CCSO must first evaluate what is overinclusive in this set. Depending on the scope of documents, Plaintiffs would propose the following, an agreement to which is dependent on a subsequent hit report:

AND (test* OR procedure OR process OR select* OR lawsuit OR complain* OR charge OR stud* OR report* OR analy*)